

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 262 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 12-7-2-1.7 IS ADDED TO THE INDIANA CODE
- 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2008]: **Sec. 1.7. "Adult", for purposes of IC 12-14-31, means an**
- 6 **individual who:**
- 7 **(1) is at least eighteen (18) years of age;**
- 8 **(2) applies for or receives assistance under the TANF**
- 9 **program or the food stamp program; and**
- 10 **(3) is a parent, legal guardian, or custodian of a child for**
- 11 **whom education is compulsory under IC 20-33-2.**
- 12 SECTION 2. IC 12-7-2-28, AS AMENDED BY P.L.145-2006,
- 13 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2008]: Sec. 28. "Child" means the following:
- 15 (1) For purposes of **IC 12-14-31 and** IC 12-17.2, an individual
- 16 who is less than eighteen (18) years of age.
- 17 (2) For purposes of IC 12-26, the meaning set forth in
- 18 IC 31-9-2-13(d).
- 19 SECTION 3. IC 12-7-2-87.9 IS ADDED TO THE INDIANA CODE
- 20 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 21 1, 2008]: **Sec. 87.9. "Food stamp program", for purposes of**
- 22 **IC 12-14-31, means the federal Food Stamp Program under 7**
- 23 **U.S.C. 2011 et seq.**
- 24 SECTION 4. IC 12-7-2-169.9 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 169.9. (a) "School", for
 2 purposes of IC 12-14-2-23, has the meaning set forth in
 3 IC 12-14-2-23(b).

4 **(b) "School", for purposes of IC 12-14-31, includes the**
 5 **following:**

6 **(1) A public school (as defined in IC 20-18-2-15).**

7 **(2) A nonpublic school that has voluntarily become accredited**
 8 **under IC 20-19-2-8.**

9 SECTION 5. IC 12-8-1-13, AS AMENDED BY P.L.161-2007,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2008]: Sec. 13. (a) Subject to the appropriation limits
 12 established by the state's biennial budget for the office of the secretary
 13 and its divisions, and after assistance, including assistance under
 14 TANF (IC 12-14), medical assistance (IC 12-15), and food stamps (7
 15 U.S.C. 2016(i)), is distributed to persons eligible to receive assistance,
 16 the secretary may adopt rules under IC 4-22-2 to offer programs on a
 17 pilot or statewide basis to encourage recipients of assistance under
 18 IC 12-14 to become self-sufficient and discontinue dependence on
 19 public assistance programs. Programs offered under this subsection
 20 may do the following:

21 (1) Develop welfare-to-work programs.

22 (2) Develop home child care training programs that will enable
 23 recipients to work by providing child care for other recipients.

24 (3) Provide case management and supportive services.

25 (4) Develop a system to provide for public service opportunities
 26 for recipients.

27 (5) Provide plans to implement the personal responsibility
 28 agreement under IC 12-14-2-21.

29 (6) Develop programs to implement the school attendance
 30 requirement under ~~IC 12-14-2-17~~ **IC 12-14-31.**

31 (7) Provide funds for county planning council activities under
 32 IC 12-14-22-13 (repealed).

33 (8) Provide that a recipient may earn up to the federal income
 34 poverty level (as defined in IC 12-15-2-1) before assistance under
 35 this title is reduced or eliminated.

36 (9) Provide for child care assistance, with the recipient paying
 37 fifty percent (50%) of the local market rate as established under
 38 45 CFR 256 for child care.

39 (10) Provide for medical care assistance under IC 12-15, if the
 40 recipient's employer does not offer the recipient health care
 41 coverage.

42 (b) If the secretary offers a program described in subsection (a), the
 43 secretary shall annually report the results and other relevant data
 44 regarding the program to the legislative council in an electronic format
 45 under IC 5-14-6.

46 SECTION 6. IC 12-14-2-18, AS AMENDED BY P.L.161-2007,

SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. ~~(a) A recipient or dependent child who fails to meet the requirements of section 17 of this chapter is subject to the revocation or suspension of assistance as provided under rules adopted by the division.~~

~~(b)~~ A TANF recipient or applicant who refuses to participate in an employment opportunity or a job training opportunity offered to the recipient or applicant under IC 12-8-12 is subject to sanctions established by the director under IC 12-8-12-6(2).

SECTION 7. IC 12-14-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 31. School Attendance Requirements Under the Temporary Assistance for Needy Families Program and the Food Stamp Program

Sec. 1. This chapter applies to a family that includes the following:

(1) A member of the family who has applied for or receives assistance under the TANF program or the food stamp program.

(2) A child for whom education is compulsory under IC 20-33-2 and who resides in the family home.

Sec. 2. (a) A family may not receive assistance under the TANF program or the food stamp program unless an adult provides written consent under subsection (b) for the release of school attendance records for a child who:

(1) resides in the family home; and

(2) is required to attend school under IC 20-33-2.

(b) The written consent required by subsection (a) must include the following:

(1) The name of the child who resides in the family home.

(2) The name of the school the child attends or will attend. If the child does not attend a school, the written consent must include a statement that the child is provided instruction at a place other than a school.

(3) A statement authorizing the release of the school attendance records of the child if the child attends a school.

(4) The signature of the adult.

(5) Any other information necessary to obtain the school attendance records of the child as determined by the division.

Sec. 3. The division shall send the following to the principal (as defined in IC 20-18-2-14) of a school listed on a written consent:

(1) A list of the children who:

(A) attend the school or will attend the school according to the division's records; and

(B) reside in the family home of a family that receives assistance under the TANF program or the food stamp

- 1 **program.**
- 2 **(2) A copy of the written consent described in section 2(b) of**
- 3 **this chapter for each child described in subdivision (1).**
- 4 **(3) A statement to the principal that the principal is required**
- 5 **to provide the following:**
- 6 **(A) Notice to the division if a child on the list provided**
- 7 **under subdivision (1) is designated as a habitual truant as**
- 8 **defined by the governing body of the school corporation**
- 9 **under IC 20-33-2-11(b).**
- 10 **(B) A copy of school attendance records of a child on the**
- 11 **list provided under subdivision (1) upon the request of the**
- 12 **division.**
- 13 **(C) Notice to the division if a child on the list provided**
- 14 **under subdivision (1):**
- 15 **(i) does not attend the school; or**
- 16 **(ii) withdraws from the school.**
- 17 **Sec. 4. (a) If a child has been designated a habitual truant, the**
- 18 **division shall:**
- 19 **(1) review the child's school attendance records with the**
- 20 **adult; and**
- 21 **(2) request the adult who signed the written consent under**
- 22 **section 2 of this chapter to show good cause for the child's**
- 23 **failure to attend school.**
- 24 **(b) To determine whether the adult shows good cause for the**
- 25 **child's failure to attend school, the division shall consider whether**
- 26 **the following circumstances exist:**
- 27 **(1) The child is:**
- 28 **(A) a minor parent; and**
- 29 **(B) the caretaker;**
- 30 **of a child less than twelve (12) weeks old.**
- 31 **(2) The child:**
- 32 **(A) is a minor parent;**
- 33 **(B) requires child care services for the minor parent's**
- 34 **child; and**
- 35 **(C) does not have child care available.**
- 36 **(3) The child is prohibited from attending school and an**
- 37 **expulsion is pending.**
- 38 **(4) The child failed to attend school for one (1) or more of the**
- 39 **following reasons as determined by the division:**
- 40 **(A) Illness, injury, or incapacity of the child or the minor**
- 41 **parent's child.**
- 42 **(B) Court required appearances or temporary**
- 43 **incarceration.**
- 44 **(C) Medical or dental appointments for the child or the**
- 45 **minor parent's child.**
- 46 **(D) Death of a close relative.**
- 47 **(E) Observance of a religious holiday.**

1 (F) Family emergency.

2 (G) Breakdown in transportation.

3 (H) Suspension of the child.

4 (I) Any other circumstances beyond control of the child or
5 the adult.

6 **Sec. 5. If an adult is unable to show good cause under section 4**
7 **of this chapter for a child's failure to attend school, the division**
8 **shall provide written notice to the adult that notifies the adult of**
9 **the following:**

10 (1) The adult has thirty (30) days to improve the child's school
11 attendance.

12 (2) If the adult fails to improve the child's school attendance,
13 the family shall be sanctioned as described in section 6 of this
14 chapter.

15 (3) If the child is designated for a second or subsequent time
16 as a habitual truant within the same school year (as defined in
17 IC 20-18-2-17) that the adult receives the notice under this
18 section, the family shall be sanctioned as described in section
19 7 of this chapter.

20 **Sec. 6. (a) If an adult fails to improve a child's school attendance**
21 **within thirty (30) days as set forth in section 5 of this chapter, the**
22 **division shall:**

23 (1) sanction the family by reducing for sixty (60) days the
24 amount of the family's assistance under the TANF program
25 and the food stamp program by fifty percent (50%); and

26 (2) provide notice to the family that:

27 (A) the family has been sanctioned for sixty (60) days in the
28 amount of fifty percent (50%) of the assistance the family
29 receives under the TANF program and the food stamp
30 program; and

31 (B) if the adult fails to improve the child's school
32 attendance within sixty (60) days after receipt of the notice
33 under this section, the family will be ineligible for
34 assistance under the TANF program and the food stamp
35 program for six (6) months.

36 **(b) If an adult fails to improve a child's school attendance within**
37 **sixty (60) days after the date the adult receives the notice under**
38 **subsection (a), the family is ineligible for assistance under the**
39 **TANF program and the food stamp program for six (6) months.**

40 **Sec. 7. If:**

41 (1) an adult receives a notice under section 5 of this chapter;

42 (2) the adult improves the child's attendance;

43 (3) after the improvement in attendance described in
44 subdivision (2), the child is designated a habitual truant for a
45 second or subsequent time within the same school year (as
46 defined in IC 20-18-2-17) that the adult receives the notice
47 under section 5 of this chapter; and

(4) the adult is unable to show good cause for the child's failure to attend school;
the family is ineligible for assistance under the TANF program and the food stamp program for six (6) months.

Sec. 8. (a) If a family is ineligible for assistance under section 6(b) or 7 of this chapter, a family member may apply for assistance under the TANF program or the food stamp program after the six (6) month period of ineligibility.

(b) If a family member applies for assistance under the TANF program or the food stamp program after a six (6) month period of ineligibility under section 6 or 7 of this chapter, the division shall request and review the school records of a child residing in the family home before approving a member of the family for assistance under the TANF program or the food stamp program.

(c) If school attendance of the child does not improve, the family is ineligible for assistance under the TANF program and the food stamp program for an additional six (6) months.

Sec. 9. The division may adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 8. IC 12-15-2-0.5, AS AMENDED BY P.L.161-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 0.5. (a) This section applies to a person who qualifies for assistance:

- (1) under sections 13 through 16 of this chapter;
- (2) under section 6 of this chapter when the person becomes ineligible for medical assistance under IC 12-14-2-5.1 or IC 12-14-2-5.3; or
- (3) as an individual with a disability if the person is less than eighteen (18) years of age and otherwise qualifies for assistance.

(b) Notwithstanding any other law, the following may not be construed to limit health care assistance to a person described in subsection (a):

- (1) IC 12-8-1-13.
- (2) IC 12-14-1-1.
- (3) IC 12-14-1-1.5.
- (4) IC 12-14-2-5.1.
- (5) IC 12-14-2-5.2.
- (6) IC 12-14-2-5.3.
- ~~(7) IC 12-14-2-17.~~
- ~~(8)~~ (7) IC 12-14-2-18.
- ~~(9)~~ (8) IC 12-14-2-20.
- ~~(10)~~ (9) IC 12-14-2-21.
- ~~(11)~~ (10) IC 12-14-2-24.
- ~~(12)~~ (11) IC 12-14-2-25.
- ~~(13)~~ (12) IC 12-14-2-26.
- ~~(14)~~ (13) IC 12-14-2.5.

- 1 ~~(15)~~ **(14)** IC 12-14-5.5.
 2 **(15) IC 12-14-31.**
 3 (16) Section 21 of this chapter.
 4 ~~(17) IC 12-15-5-3.~~"
- 5 Page 2, after line 11, begin a new paragraph and insert:
 6 "SECTION 10. IC 20-33-2-48 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2008]: **Sec. 48. A principal who receives**
 9 **information listed in IC 12-14-31-3 from the division of family**
 10 **resources shall provide the following to the division of family**
 11 **resources:**
- 12 **(1) Notice if a child on the list provided under IC 12-14-31-3**
 13 **is designated as a habitual truant under the definition of**
 14 **habitual truant established by the governing body under**
 15 **section 11(b) of this chapter.**
- 16 **(2) A copy of the school attendance records of a child on the**
 17 **list provided under IC 12-14-31-3 upon the request of the**
 18 **division of family resources.**
- 19 SECTION 11. IC 12-14-2-17 IS REPEALED [EFFECTIVE JULY
 20 1, 2008].".
- 21 Renumber all SECTIONS consecutively.
 (Reference is to ESB 262 as printed February 15, 2008.)

Representative Hinkle